

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

NATHANIEL DECKARD, JR.,

Petitioner,

V.

NEBRASKA BOARD OF PAROLE,

Respondent.

CASE NO. 8:09CV348

MEMORANDUM AND ORDER

This matter is before the court on Petitioner’s Motion to Alter or Amend Judgment. (Filing No. [20](#).) Petitioner’s Motion is brought pursuant to [Federal Rule of Civil Procedure 59\(e\)](#). As set forth by the Eighth Circuit “[Rule 59\(e\)](#) motions serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence. . . . Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.” [U.S. v. Metro. St. Louis Sewer Dist.](#), 440 F.3d 930, 933 (8th Cir. 2006) (internal citations and quotations omitted).

Here, Petitioner simply reargues the merits of his case. In particular, Petitioner generally objects to, and asserts various arguments and legal theories regarding, the court's Memorandum and Order which dismissed Petitioner's claims as procedurally defaulted. (Filing Nos. [18](#) and [19](#).) However, Petitioner does not point to any manifest error or new evidence which could not have been raised prior to the entry of judgment. As such, Petitioner is not entitled to relief under [Rule 59\(e\)](#).

IT IS THEREFORE ORDERED that: Petitioner's Motion to Alter or Amend Judgment (Filing No. [20](#)) is denied.

DATED this 20th day of April, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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